

REMARKS/ARGUMENTS

In the Office Action mailed on June 22, 2006, the pending claims were subjected to a restriction requirement and an election of species requirement under 35 U.S.C. §121. By way of the response dated August 22, 2006, applicants elected claims 1-29 and 52-88 with respect to the restriction requirement. Claims 30-51 are withdrawn. Claim 72 is amended herein to correct a minor typographical error.

The Office Action mailed October 12, 2006, indicates that the August 22, 2006, response was non-responsive and provides an opportunity for further response to the requirement to elect species. Applicants thank the Examiner for the opportunity to further address this issue.

Applicants make the following species elections with traverse:

With respect to Class I-a (the first constituent), applicants elect the species of silica (claims 20, 83);

With respect to Class I-b (the metal atom) applicants elect the species of iron (claim 2);

With respect to Class I-c (the linking unit) applicants elect the species of substituted or unsubstituted carbanions (claim 6);

With respect to Class I-d (the side chain) applicants elect the species of substituted or unsubstituted carbanions (claim 7);

With respect to Class I-e (the crosslinks) applicants elect the species of chemical bonds (claim 8);

With respect to Class I-f (the metal containing monomer) applicants elect the species of bridged metallocenophanes (claims 11-13);

With respect to Class I-g (the substrate) applicants elect the species of metals (claims 23, 77);

With respect to Class I-h (the method of embedding the ordered array) applicants elect the species of production as a thin film of controlled area and thickness on a pre-selected substrate (claim 74);

With respect to Class I-i (the physical state of the metallopolymer network precursor mixture) applicants elect the species of solid (claims 58-60 and 88);

With respect to Class I-j (the crosslinking stimulus) applicants elect the species of change in temperature (claims 67, 68); and

With respect to Class I-k (the additive) applicants elect the species of dyes (claim 73).

The traversals lodged in applicants' prior response are respectfully incorporated herein by reference. Furthermore, the Office has not complied with the requirement of MPEP 809.02 in several respects. For example, the Office has not (a) identified the generic claims or (b) the species from which the election is to be made. This is required, yet the Office has merely identified what it contends are generic concepts I-a through I-k. Furthermore, the Office has iterated no reason for the election – i.e., why the species (which are not identified by the Office) are independent or distinct. Thus, the requirement to elect species in this instance is not proper and it should be withdrawn.

In responding to the election requirement, applicants have identified the claims that recite the indicated species. Other claims may be generic and/or encompass the elected species. In any event, applicants understand that they will be entitled to consideration of claim coverage of additional species at such time as a generic claim is allowed.

Conclusion

Applicants respectfully submit that the present application is now in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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